

COCP No.901 of 2015 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCP No.901 of 2015 (O&M)
Date of decision:02.09.2016**

Sh. Tekchand Sharma @ Tika Ram ...Petitioner

Versus

Sh. K.S. Yadav and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Tekchand Sharma, petitioner in person.

Mr. P.P.Chahar, DAG, Haryana.

Rakesh Kumar Jain, J.

The petitioner has alleged willful disobedience by the respondents of the order dated 14.01.2014 passed by this Court in CWP No.349 of 2014.

In reply, the Superintendent of Police, Palwal has alleged that he had directed the Deputy Superintendent of Police, Hodal, to take appropriate legal action on the representation dated 30.10.2013 made by the petitioner and received in his office on 07.02.2014. The inquiry report No.124/DH dated 11.03.2014 revealed that the petitioner is the son of Net Ram who has a dispute with his other brothers regarding partition of his land and as per DDR No.29 dated 30.10.2013, proceedings under Section 107/151 Cr.P.C. were carried out against both the parties in Police Station Hassanpur and the petitioner and co-accused were bound down to maintain peace and surety bond of ₹20,000/- was taken from the petitioner and others by the SDM, Hodal vide his order dated 31.11.2013.

During the pendency of the present petition, the following order

was passed by this Court on 31.07.2015:-

“The petitioner who is appearing in person has submitted that he has threat to his life and liberty at the hands of his brothers, namely, Ram Babu, Raghunandan, Sant Ram and Ram Kumar and their children who are having the blessings of the village Sarpanch Rajesh Sharma. As a result, during his visits to his village, he is being harassed both physically and mentally by them. It is further submitted that he is not even in a position to cultivate his land which is lying fallow. He has prayed that adequate police protection be provided to him so that he can visit his village muchless his land for making arrangements for the cultivation.

Learned State counsel has submitted that as and when petitioner would inform them about his impending visit to his village, agricultural land and for repairing water irrigation pipeline, police protection would be provided to him.

The petitioner submits that he intends to visit his village on 7th and 8th August, 2015.

In view thereof, respondent No.1 is directed to provide both male and female constables with arms to protect the life and liberty of the petitioner. The petitioner shall inform the time of his reaching the border of his village Khambi, Tehsil Hodal, District Palwal to Superintendent of Police, Palwal.

Adjourned to 07.09.2015.

A copy of this order be given to the petitioner and learned counsel for the respondents under the signatures of Special Secretary of this Court.”

Pursuant to the aforesaid order, respondents had filed the affidavit of Jagbir Singh, SI/SHO, Police Station, Hassanpur dated 06.09.2015, stating as under:-

“1. That in compliance to the order dated 31.07.2015 passed by Hon'ble Punjab and Haryana High Court, police protection was provided to petitioner Tek Chand Sharma alias Tikaram to protect his life and liberty on 07.08.2015 when he visited his village Khambi, Tehsil Hodal, District Palwal. Police personnel including Deputy Superintendent of Police, two Sub Inspectors, forty four

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head constables, constables, SHO P.S. Hassanpur with staff and ten lady constables, for which DDR No.14 dated 07.08.2015 & DDR No.19 dated 07.08.2015 were lodged. The copy of the daily diary reports are enclosed herewith for the kind perusal of the Hon'ble Court.

2. That it is also relevant to mention here that the District Magistrate, Palwal appointed Naib Tehsildar, Hodal as Duty Magistrate for maintaining law and order vide order dated 05.08.2015."

The petitioner, who is appearing in person, is not still satisfied and has submitted that no action was taken by the police for his protection but on the other hand, counsel for the respondents has submitted that the order passed by this Court has been duly complied with.

After hearing both the parties and examining the available record, I am of the considered opinion that there is no merit in the present petition as after the order dated 31.07.2015 was passed, the respondents had deployed a posse of police force which included Deputy Superintendent of Police, two Sub Inspectors, 44 Head Constables and Constables, SHO, Police Station Hassanpur with his staff and 10 Lady Constables for protection of the petitioner. In my considered opinion, the aforesaid police force deployed just to protect one person was more than enough.

Consequently, the present petition is hereby disposed of.

September 02, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No